

K4tdferh

Teleconference

1 and everyone just wants to make sure that the inmates are safe
2 and secure. But, you know, I think before the Court orders
3 extraordinary measures, it makes sense to do a little bit of
4 information gathering. We can -- you know, we can try to do --
5 there is a limited amount of information gathering we can try
6 to do within short order to see what is actually going on and
7 to be able to report to the Court on that to allow the Court to
8 know what is happening, and, therefore, if there is anything
9 else that needs to change, we can discuss it at that time.

10 THE COURT: Let me just ask you a couple of large
11 questions, Mr. Barnea, just so that I ask them and I know that
12 we are all sort of talking on the same wavelength. I take it
13 that you have no quarrel with the basic proposition that is put
14 forth in petitioners' papers that there is an important
15 constitutional right that they are attempting to vindicate,
16 correct? That they have the right to be in a situation,
17 despite the fact that they are incarcerated, where they are not
18 unduly exposed, or exposed, to an infectious disease of this
19 type, correct? That the Bureau of Prisons has to do everything
20 within its power to make sure that that is not the case?

21 MR. BARNEA: Well, I would agree, obviously, and I
22 think it doesn't require me to agree with the fact that the
23 Supreme Court and the Second Circuit has held that one of the
24 duties of the Bureau of Prisons is to maintain inmates' health
25 and safety. I would note, however, that this pandemic is